species represented in FIGS. 1-4, which is the species elected in this divisional application. Nevertheless, the Examiner then attempted to define the term to mean that the material is deposited, then etched, "in that order." (Office Action dated 3/28/03 at p. 2.)

Applicants contend that both the figures and text of the Specification support the term "generally simultaneously" with respect to the species represented in FIGS. 1-4 in a manner that is more consistent with the common understanding of the term. Specifically, Applicants refer the Examiner to page 5, line 17 to page 6, line 14 of the Specification. (*See also* FIG. 2.) That excerpt of the Specification discloses forming a material within an opening and over the surface of a wafer. The excerpt presents an exemplary set of parameters for achieving this and concludes by indicating that these settings cause the material formed on the surface to be *thinner* than the material formed within the opening. Applicants contend that one of ordinary skill in the art would understand that excerpt to indicate that etching is occurring simultaneously with deposition, wherein the etching is affecting the material exposed on the surface moreso than the material protected within the opening.

Such an interpretation of this text not only refutes the §112 rejection but provides other benefits as well. For example, that interpretation provides continuity and compatibility with the second species of the invention. The second species forms the material in the opening without forming the material on the wafer surface. (Specification at p. 7, ln. 16-p. 8, ln. 9; FIGS 5-6.) The Specification expressly compares the second species to the current elected species. (***Id.*** at p. 7, ln. 22-p. 8, ln. 1.) In doing so, the Specification states that the second species has a lower deposition rate than the elected species. (***Id.***) The implication is that the etch rate is present in both species; but in the second species, the etch rate is sufficient to overcome the deposition on the surface. It is further implied that, in the elected species, the etch rate, while present, does not completely overcome the deposition. Rather, the elected species' etch rate merely thins the material deposited on the surface.

Another benefit of Applicants' proposed interpretation is that it comports with the commonly understood meaning of "generally simultaneously." This is in contrast to the Examiner's interpretation, which appears to contradict that meaning.

Still another benefit of Applicants' proposed interpretation is that it supports efficient prosecution of claims. Specifically, it saves the Patent and Trademark Office from having to engage prosecution on a continuation that Applicants would have to file in order to pursue the exact same claims, relying on the paragraphs following the ones relied upon in this application. Accordingly, Applicants request that the Examiner withdraw this rejection.

II. Rejection of claims under 35 U.S.C. §102

The Examiner rejected claims 45-46 as being anticipated by U.S. Pat. No. 6,278,174 by Havemann. The Examiner's citation to '174's text, as well as the highlight marks in the copy provided by the Examiner, demonstrate that the Examiner specifically relied upon '174's "polymer preferred embodiment" for rejection. (*See* '174 at col. 5.) However, it is noteworthy that '174 was not filed until April 25, 1997. Although '174 benefits in part from a provisional application filed April 29, 1996, the current application enjoys the priority of its great-grandparent application, filed June 2, 1995, thereby predating both of the '174 dates addressed above. Although '174 also benefits from U.S. Pat. No. 5,565,384, filed April 28, 1994, Applicants note that the '384 patent does not contain the text relied upon by the Examiner for this rejection. (Applicants have cited '384 in an Information Disclosure Statement submitted concurrently with this response.) As a result, Applicants contend that the Examiner's current rejection fails due to its reliance on matters that are not prior art. Moreover, Applicants contend that a §102 rejection relying on Havemann's '384 would fail as well, as it fails to disclose the "generally simultaneously" limitation addressed above in part I.

CONCLUSION

In light of the above remarks, Applicants submit that claims 45-46 are definite and allowable over the applied reference. Therefore, Applicants respectfully request reconsideration of the Examiner's rejections and further requests allowance of all of the pending claims. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact Applicants' undersigned attorney at the number indicated.

Respectfully submitted,

Date 6/27/3

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